

**Preliminary Amendment**

Applicant: Gordon Smith

Serial No.: Pending

Filing Date: Herewith

Docket No.: H327.103.102

Title: METHOD OF BURNISHING A BURNISHABLE REAR PAD SLIDER IN A DISK DRIVE

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**REMARKS**

This Preliminary Amendment is provided to present claims identical to those of the parent application and is responsive to the Office Action mailed January 17, 2003 in the parent application. In that Office Action, the Examiner apparently rejected claims 1-10 and 14 under 35 U.S.C. §102(e) as being anticipated by Smith, U.S. Patent No. 6,493,184 ("Smith"). Additionally, the Examiner's indication that claims 11-13 would be allowable if rewritten is noted with appreciation. With this Preliminary Amendment, claims 15-20 have been cancelled commensurate with the Restriction Requirement set forth in the parent application. It is believed that all claims are now in a condition for allowance. Notice to that effect is respectfully requested.

**Claim Rejections under 35 U.S.C. § 102**

It is respectfully submitted that the apparent rejection under 35 U.S.C. §102(e) is improper (it being noted that Paragraph 1 of the Office Action recites the language of 35 U.S.C. §102(e) while Paragraph 2 lists "102(b)" as the basis for rejection; to clarify, it is believed that notation of "102(b)" was a typographical error as there is no basis for the Smith patent qualifying as a 35 U.S.C. §102(b) reference). With respect to §102(e), the Smith patent is not prior art because the Smith patent is not a patent "by another." The Smith patent and the current application both have Gordon James Smith of Rochester Minnesota as the sole inventor. Therefore, it is respectfully submitted that a *prima facie* case of anticipation under §102(e) has not been made and the rejection is traversed.

**Allowable Subject Matter**

In light of the above, Applicant believes independent claim 1 and the claims depending therefrom, are in condition for allowance. Allowance of these claims is respectfully requested.

**CONCLUSION**

It is believed that all claims are now in a condition for allowance. Notice to that effect is respectfully requested.

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The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this response.

Respectfully submitted,

Gordon Smith,

By his attorneys,

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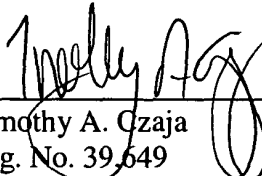
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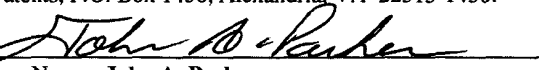
  
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**CERTIFICATE UNDER 37 C.F.R. 1.10:**

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The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By   
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